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18 CADWELL INDUSTRIES, INC.

19 UNITED STATES DISTRICT COURT
20 SOUTHERN DISTRICT OF CALIFORNIA

21 NUVASIVE, INC.,
22 Plaintiff,
23
24 v.
25 CADWELL INDUSTRIES, INC.,
26 Defendant.

Case No. 12CV3065-JLS-JMA

**JOINT MOTION TO STAY
LITIGATION**

DEMAND FOR JURY TRIAL

1 CADWELL INDUSTRIES, INC.,
2 Counterclaimant
3
4 v.
5 NUVASIVE, INC.,
6 Counterclaim
7 Defendant.
8

9 Plaintiff and Counterclaim Defendant NuVasive, Inc. and Defendant and
10 Counterclaimant Cadwell Industries, Inc. hereby jointly move for a stay of this
11 litigation until February 15, 2014, to allow the parties to finalize a settlement of the
12 action.

13 The parties have engaged in extended discussions regarding a potential
14 resolution of this litigation since the Early Neutral Evaluation held on May 20,
15 2013. As a result of those discussions, the parties have now reached agreement in
16 principle, and have signed a term sheet covering the significant terms of the
17 settlement. The parties therefore request a stay of the litigation until February 15,
18 2014, to allow the parties to document the final settlement agreement, while not
19 unnecessarily burdening the Court or the parties with litigation activities during that
20 period.

21 In the unlikely event that the parties are not able to finalize the settlement,
22 and continued litigation becomes necessary, the parties will seek a status
23 conference before the Court to reset the case schedule. In that event, the parties
24 anticipate that there need be only a minimal adjustment of the existing case
25 schedule in order to prepare the case for trial in a timely manner.

26 Accordingly, the parties respectfully request that the Court stay the instant
27 litigation until February 15, 2014.
28

1
2 Dated: November 14, 2013
3 _____

MORRISON & FOERSTER LLP

4 By: /s/ Eric M. Acker
5 Eric M. Acker

6 Attorneys for Plaintiff and
7 Counterclaim Defendant
8 NUVASIVE, INC.

9
10 Dated: November 14, 2013
11 _____

ROPES & GRAY LLP

12 By: /s/ Bradford J. Badke (by permission)
13 Bradford J. Badke

14 Attorneys for Defendant
15 and Counterclaimant
16 CADWELL INDUSTRIES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 14, 2013, a true and correct copy of the foregoing was transmitted electronically to the Electronic Filing System of the United States District Court for the Southern District of California which, under Local Civil Rule 5.4(b)&(c), is believed to have sent notice of such filing, constituting service of the filed document, on all Filing Users, all of whom are believed to have consented to electronic service.

Executed on November 14, 2013, at San Diego, California.

/s/ Eric M. Acker
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